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EXAMINER

RIDER, JUSTIN W

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,668	<b>Applicant(s)</b> SHERMAN, WILLIAM F.	
	<b>Examiner</b> JUSTIN W. RIDER	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed 11 December 2003.

Claims 1-34 are pending.

For purposes of clarification, the examiner notes that throughout the disclosure and claims that the term 'voice recognition' is used. As recently witnessed, it seems that the common referral to 'voice recognition' has become the standard term for a system having the ability to simply recognize the specific voice patterns of a user (e.g. for security clearance, etc). Whereas the term 'speech recognition' has become the standard terminology associated with actual recognition and processing context and content of words or strings of words (e.g. Text-to-Speech, Speech-to-Text, Translation and Transcription). In many disclosures, the terms 'voice recognition' and 'speech recognition' are often used synonymously; however for purposes of examination the examiner will interpret applicant's use of 'voice recognition' as relating to the latter definition explained above, that is, for natural language processing of input speech.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On page 3, line 62, [comprises] should be changed to 'comprise' to more accurately reflect the scope of invention.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 6-7, 16-17, 20-29 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Barnes, JR. (US 2003/0065805 A1)** referred to as **BARNES** hereinafter.

Claim 1: **BARNES** discloses a voice recognition peripheral device (page 26, paragraph [0270], *'or other external input device'*) comprising:

i. a voice processor for facilitating conversion of speech into text (page 26, paragraph [0270], *'with appropriate voice recognition software.'*); and

ii. a communication port for facilitating communication with a computer (As is inherently meant by 'external', the device is a separate entity from that of the main processing device (e.g., PDA); see also Figure 3 (**240a** and **240b**)).

Claim 6: **BARNES** discloses a device as per claim 1 above, wherein the communication port comprises a wireless communication port (Inherently, page 3, paragraph [0036], *'is through a voice command received by a microphone in a wireless single ear headset.'* [Emphasis supplied]).

Claim 7: **BARNES** discloses a device as per claim 1 above, wherein the communication port comprises a radio frequency communication port (Inherently, page 30, paragraph [0299], *'may be accomplished through the use of a radio frequency (rf) tag or radio frequency identification (RFID).'*).

Claim 16: **BARNES** discloses a device as per claim 1 above, further comprising an infrared transceiver (page 12, paragraph [0123], '*...input devices such as an infrared transmitter and/or receiver...*').

Claim 17: **BARNES** discloses a device as per claim 1 above, wherein the processor cooperates with a PDA to convert speech into text (page 41, paragraph [0413], '*by converting the entire voice message to text...*').

Claim 20: **BARNES** discloses a device as per claim 1 above, further comprising a microphone for receiving voice and for providing an electrical signal representative thereof (page 3, paragraph [0036], '*is through a voice command received by a microphone in a wireless single ear headset;*' page 26, paragraph [0270]).

Claim 21: **BARNES** discloses a device as per claim 1 above, further comprising a speaker for receiving an electrical signal and for providing an audio output representative thereof (page 3, paragraph [0037] teaches a plurality of audio output devices.).

Claim 22: **BARNES** discloses a device as per claim 1 above, further comprising a memory in electrical communication with the processor for facilitating the conversion of speech into text (page 3, paragraph [0035]).

Claim 23: **BARNES** discloses a voice recognition system comprising a PDA (page 3, paragraph [0039], '*embodiments of the present invention may take the form of a laptop or notebook computer, a radio frequency tag, a Smart Card, a PDA, a mobile phone, a computer integrated into another item such as a vehicle, or another suitable configuration.*') and a voice recognition peripheral device which cooperates with the PDA to facilitate conversion of speech into text (page 26, paragraph [0270], '*or other external input device*) may include a user input

*device (e.g., a keyboard, mouse, and/or microphone with appropriate voice recognition software) can be used by the user. ').*

**Claim 24:** **BARNES** discloses a method for processing speech, comprising:

i. attaching a voice recognition peripheral device to a PDA (page 3, paragraph [0039]; page 26, paragraph [0270], *'or other external input device) may include a user input device (e.g., a keyboard, mouse, and/or microphone with appropriate voice recognition software) can be used by the user. ')*;

ii. receiving speech via a microphone (*As above*);

iii. converting the received speech into a digital audio signal representative thereof (pages 33-34, paragraphs [0330]-[346] disclose typical voice command processing; page 44, paragraph [0437] discloses, *' Preferably, the speech is converted to a data signal that indicates the desire of the user and is displayed to the dealer. ')*;

iv. processing the digital audio signal at least partially within the voice recognition peripheral device to convert the digital audio signal into text (page 41, paragraph [0413], *'by converting the entire voice message to text... ')*; and

v. communicating the text to the PDA (page 26, paragraph [0270], *'or other external input device) may include a user input device (e.g., a keyboard, mouse, and/or microphone with appropriate voice recognition software) can be used by the user. ')*.

**Claim 25:** Claim 25 is similar in both scope and content to that of claim 23 above and so therefore is rejected under the same rationale.

Claim 26: **BARNES** discloses a method as per claim 24 above, further comprising displaying the converted text (page 41, paragraph [0413], *'that was stored and converted to the displayed text--(e.g., www.gifts.com.backslash.products.backslash.pn1- 23242). '*).

Claim 27: **BARNES** discloses a method as per claim 24 above, further comprising encrypting the text (page 9, paragraph [0095], *'In the preferred embodiment, an encryption module is included to encrypt and decrypt data before transmission and after reception... '*).

Claim 28: **BARNES** discloses a method as per claim 24 above, further comprising encrypting the text in the PDA (This is inherent because all modules disclosed in page 9, paragraph [0095], are embedded within the main processing device (e.g. laptop, cellular phone, PDA).

Claim 29: **BARNES** discloses a method as per claim 24 above, further comprising processing the digital audio signal at least partially within the PDA to convert the digital audio signal into text (Figure 6 is a data flow diagram of the method steps for implementing an example embodiment of a system, method, apparatus, and computer program product of the present invention for communication with a remote computer system.).

Claim 31: **BARNES** discloses a method as per claim 24 above, further comprising transmitting the text from the voice recognition peripheral device in encrypted form (page 9, paragraph [0095], *'In the preferred embodiment, an encryption module is included to encrypt and decrypt data before transmission and after reception... '* [Emphasis added]).

Claim 32: **BARNES** discloses a method as per claim 24 above, further comprising associating the text with other information (beginning on page 33, paragraph [0330], the section entitled 'Voice Controlled Input', discloses wherein the user's input is converted into text and

further associated with certain information (e.g., a hyperlink directing the computer to navigate to a website).).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Douma et al. (US Patent No. 5,583,965)** referred to as **DOUMA** hereinafter.

Claim 2: **BARNES** discloses a device as per claim 1 above, however failing to, but **DOUMA** does specifically disclose wherein a microprocessor is a general-purpose processor with the ability to have a plurality of operations (Figure 3 shows an example of where a microprocessor is used to process voice signals as well as keyed entry, feedback and transmission.).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **DOUMA** in the system of **BARNES** because it provides a normalizing effect on training speech as well as the ability to train the system 'on-the-fly' so no prior additional training session are necessary, saving both time and cost (col. 1, lines 30-50).



7. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Halpern et al. (US Patent No. 5,687,717)** referred to as **HALPERN** hereinafter.

Claim 3: **BARNES** discloses a device as per claim 1 above, however failing to but **HALPERN** does specifically disclose wherein an external voice processing device (col. 12, lines 3-5, *'The module may also be a peripheral accessory such as a printer, intercom, networking device, modem, magnetic card reader, voice recognition device, memory card reader, strip chart recorder, or telephone.'*) comprises a dedicated processor (col. 16, Claim 19).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **HALPERN** in the system of **BARNES** because it provides dedicated modules for adequate medical analysis and monitoring that are engineered to either transmit data between a plurality of devices all while also having the ability to stand-alone in independent operation (col. 1, line 65 - col. 2, line 15).

Claim 18: **BARNES** discloses a device as per claim 1 above, further disclosing wherein the device has speech-to-text capabilities, however failing to but **HALPERN** does specifically disclose wherein the processor operates as a stand-alone device (col. 16, Claim 19 discloses wherein modules have the ability to operate independently (i.e., stand-alone) and col. 12, lines 1-8 disclose wherein said module comprises a voice recognition device.).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **HALPERN** in the system of **BARNES** because it provides dedicated modules for adequate medical analysis and monitoring that are engineered to

Art Unit: 2626

either transmit data between a plurality of devices all while also having the ability to stand-alone in independent operation (col. 1, line 65 - col. 2, line 15).

8. Claims 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Braitberg et al. (US Patent No. 5,479,479)** referred to as **BRAITBERG** hereinafter.

Claim 4: **BARNES** discloses a device as per claim 1 above, however failing to but **BRAITBERG** does specifically disclose wherein the communication port facilitates mechanical attachment to a PDA (Figure 15, **45** and **48**, connected through **INTERCONNECT CABLE 46**; col. 14, lines 55-64).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **BRAITBERG** in the system of **BARNES** because it provides a universal physical and electrical connection to a plurality of communications devices by using low-cost adapters for a plurality of applications and environments (col. 2, lines 40-60).

Claim 5: **BARNES** discloses a device as per claim 1 above, however failing to but **BRAITBERG** does specifically disclose wherein the communication port comprises a mechanical connector (Figure 15, **45** and **48**, connected through **INTERCONNECT CABLE 46**; col. 14, lines 55-64).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **BRAITBERG** in the system of **BARNES** because it provides a universal physical and electrical connection to a plurality of communications

Art Unit: 2626

devices by using low-cost adapters for a plurality of applications and environments (col. 2, lines 40-60).

Claim 10: **BARNES** discloses a device as per claim 1 above, however failing to but **BRAITBERG** does specifically disclose a transceiver for facilitating communication with a remote device (col. 14, lines 55-64, '*All of the peripheral devices attached to bus 280 are able to send and/or receive information both to/from other peripheral devices on bus 280 and to/from remote devices using RF signals.*' [Emphasis added]).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **BRAITBERG** in the system of **BARNES** because it provides a universal physical and electrical connection to a plurality of communications devices by using low-cost adapters for a plurality of applications and environments (col. 2, lines 40-60).

9. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Applebaum et al. (US Patent No. 6,463,413)** referred to as **APPLEBAUM** hereinafter.

Claims 8 and 9: **BARNES** discloses a device as per claim 1 above, however failing to but **APPLEBAUM** does specifically disclose a housing [cradle] for electrically and mechanically mating a device [e.g., PDA] with another device for communications purposes (col. 3, lines 38-40, '*For instance, the PDA 10 and server computer 42 may be configured to communicate with one another through a RS232 interface in which the PDA 10 plugs into a cradle connected by is cable to a serial port of the server computer 42.*' It is well known in the art that a 'cradle' is a

physical housing with a slot complementary for a device (e.g., PDA, cellular telephone) for a plurality of uses (e.g., communications, data transfer, battery charging).).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **APPLEBAUM** in the system of **BARNES** because it provides a well-known (i.e., cradle housing) means of connecting a device (e.g., PDA) to a large amount of data for efficiently training speech [voice] recognition on a small-scale device without having to waste any of the device's limited storage capacities (col. 2, lines 10-25).

10. Claims 11-12 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Mattes (US Patent No. 6,038,295)** referred to as **MATTES** hereinafter.

Claim 11: **BARNES** discloses a device as per claim 1 above, however failing to but **MATTES** does specifically disclose a radio transceiver, which communicates via a cordless home telephone system (Figure 1; col. 6, lines 35-41, *'The present telephone unit may be operated via a telephone line or may alternately be operated wirelessly as a mobile telephone using an antenna A for transmission and reception of data. Thus, the telephone unit TE is fashioned as a mobile telephone (a so called cellular phone) or as a cordless telephone.*' [Emphasis added]).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **MATTES** in the system of **BARNES** because it provides a simple and fast way to transfer digital data to a plurality of devices either unidirectionally or bidirectionally (col. 1).

Claim 12: **BARNES** discloses a device as per claim 1 above, however failing to but **MATTES** does specifically disclose a radio transceiver, which communicates via a cellular telephone system (Figure 1; col. 6, lines 35-41, *'The present telephone unit may be operated via a telephone line or may alternately be operated wirelessly as a mobile telephone using an antenna A for transmission and reception of data. Thus, the telephone unit TE is fashioned as a mobile telephone (a so called cellular phone) or as a cordless telephone.'* [Emphasis added]).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **MATTES** in the system of **BARNES** because it provides a simple and fast way to transfer digital data to a plurality of devices either unidirectionally or bidirectionally (col. 1).

Claims 33-34: **BARNES** discloses a method as per claim 24 above, further comprising sending and receiving encrypted data from the peripheral device to the receiving device, however failing to but **MATTES** does specifically disclose bidirectional data transfers. This would allow for *encrypted* transfer of data from the receiving device to the peripheral device.

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **MATTES** in the system of **BARNES** because it provides a simple and fast way to transfer digital data to a plurality of devices either unidirectionally or bidirectionally (col. 1).

11. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Richenstein et al.** (US 2003/0083024 A1) referred to as **RICHENSTEIN** hereinafter.

Claims 13-15: **BARNES** discloses a device as per claim 1 above, however failing to but **RICHENSTEIN** does specifically disclose a radio transceiver, which communicates via an IEEE 802.11 (page 18, paragraph [0174]), Bluetooth (page 18, paragraph [0171]) and a WiFi (page 18, paragraph [0174]) compliant system.

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **RICHENSTEIN** in the system of **BARNES** because it provides an improved wireless communication system that offers multiple channels of audio and other digital data for automatic selection by respective devices based on quality and efficiency (page 1, paragraphs [0004]-[0009]).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Hunt et al. (US 2004/0133848 A1)** referred to as **HUNT** hereinafter.

Claim 19: **BARNES** discloses a device as per claim 1 above, mentioning the ability to perform speech synthesis to be used in communication with a user. However, where **BARNES** fails to, **HUNT** does specifically disclose a communication system that utilizes a text-to-speech program (page 7, paragraph [0096]).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **HUNT** in the system of **BARNES** because it provides 'electronic devices with limited hardware or network capability to successfully access the same feature rich information content as full featured PC-based browsers with a large display screen, extensive user input facilities (e.g., mouse, keyboard, etc), high CPU power, large memory, reliable network connections, a reliable power supply, and so on.' (page 2, paragraph [0012]).

13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over **BARNES** in view of **Saindon et al. (US 2002/0161579 A1)** referred to as **SAINDON** hereinafter.

Claim 30: **BARNES** discloses a method as per claim 24 above, further comprising transmitting encrypted data from the peripheral device to the receiving device, however failing to but **SAINDON** does specifically disclose wherein the text is altered in such a way so as to be in a format (e.g., national language, streaming format) that is compatible for a given application set (Figure 3; paragraph [0108]).

Therefore, it would have been obvious to one possessing ordinary skill in the art at the time of invention to include the teachings of **SAINDON** in the system of **BARNES** because it provides an efficient means to supply one user's speech input across all bounds (e.g., languages, locales) and communications channels (e.g., telephone, Internet, Web) to countless numbers of people in a real-time format (page 1, paragraphs [0004]-[0008]).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN W. RIDER whose telephone number is (571)270-1068. The examiner can normally be reached on Monday - Friday 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R Hudspeth/  
Supervisory Patent Examiner, Art Unit 2626

/J. W. R./  
Examiner, Art Unit 2626  
23 July 2008